

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS	)	
COMMISSION'S TRIENNIAL REVIEW ORDER	)	CASE NO.
REGARDING UNBUNDLING REQUIREMENTS	)	2003-00379
FOR INDIVIDUAL NETWORK ELEMENTS	)	

**CONFIDENTIALITY PETITION**  
**PURSUANT TO 807 KAR 5:001 SECTION 7**

Petitioner, BellSouth Telecommunications, Inc. ("BellSouth"), hereby moves the Public Service Commission of Kentucky (the "Commission"), pursuant to KRS 61.878 and KAR 5:001, Section 7, to classify as confidential the following information filed today: portions of BellSouth's Responses to CompSouth's First Set of Interrogatories to BellSouth filed January 6, 2004, specifically the following : the Response to Item 23, and Attachments 2a, b & g, 2c & d; 2e, 2f, 3a, b & g, 3c & d, 3e & f, 4a, b g, 4c & d, 4e & f, and 5a & b, 6a & b, 10 and 12.

As grounds for this motion, BellSouth states that the information is competitively significant and could be used to BellSouth's detriment by its competitors.

The Kentucky Open Records Act exempts certain commercial information from the public disclosure requirements of the Act. KRS 61.878(1)(c)1. To qualify for this commercial information exemption and, therefore, protect the information as confidential, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors and the parties seeking confidentiality if openly discussed. KRS 61.878(1)(c)1; 807 KAR 5:001, Section 7. The Commission

has taken the position that the statute and rules require the party to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed.

The information responding to CompSouth discovery is commercially sensitive and contains confidential business information relative to the competitive interests of BellSouth. Specifically, the material contains the number of loops provisioned by BellSouth wire center for a certain period of time. It also contains information relating to switched access lines, special access lines and switched local service lines. Also included is information relating to billed revenues for unbundled local switching, shared transport and charges for call detail records billed UNE-P carriers. Disclosure of this data would impair the competitive business of and cause harm to BellSouth.

BellSouth's competitors include alternate access providers, resellers and interexchange carriers. The Commission has approved interconnection and resale agreements between BellSouth and numerous other telephone carriers. Disclosure of the information would give BellSouth's competitors an unfair business advantage over BellSouth and could be used to the detriment of BellSouth.

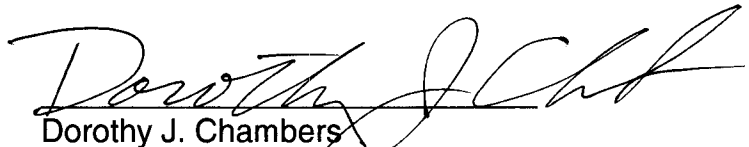
The Commission also should grant confidential treatment to the information so designated for the following reasons:

- (1) The information for which BellSouth is requesting confidential treatment is not known outside of BellSouth;
- (2) The information is not disseminated within BellSouth and is known only by those of BellSouth's employees who have a legitimate business need to know and act upon the information;

- (3) BellSouth seeks to preserve the confidentiality of this information through all appropriate means, including the maintenance of appropriate security at its offices; and
- (4) By granting BellSouth's petition, there would be no damage to any public interest.

For these reasons, the Commission should grant BellSouth's request for confidential treatment of the information set out herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dorothy J. Chambers", written over a horizontal line.

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